

MAGISTRATE JUDGE MORGAN

AO 241 (Rev. 5/85)

PETITION UNDER 28 USC § 2254 FOR WRIT OF
HABEAS CORPUS BY A PERSON IN STATE CUSTODY

United States District Court		District EASTERN District of Michigan
Name Barry Anthony Willis	Prisoner No. 244536	Case No. 02 - 70028
Place of Confinement Ryan Correctional Facility, Ryan Rd. 17600, Detroit, Michigan 48212		
Name of Petitioner (include name under which convicted) Barry Anthony Willis	Name of Respondent (authorized person having custody of petitioner) v. David Smith, Warden Michigan Dept. of Correction	
The Attorney General of the State of: Michigan Jennifer Granholm		

PETITION

1. Name and location of court which entered the judgment of conviction under attack **Muskegon County Circuit Court.**
2. Date of judgment of conviction **July 27, 1995**
3. Length of sentence **Mandatory Life W/o Parole**
4. Nature of offense involved (all counts) **Conspiracy to deliver over 650gm. of Cocaine
MC.L. 333.7401-2-a-1**

5. What was your plea? (Check one)
- (a) Not guilty
- (b) Guilty
- (c) Nolo contendere

If you entered a guilty plea to one count or indictment, and a not guilty plea to another count or indictment, give details:

6. If you pleaded not guilty, what kind of trial did you have? (Check one)

- (a) Jury
- (b) Judge only

7. Did you testify at the trial?

Yes No

8. Did you appeal from the judgment of conviction?

Yes No

R E C E I V E D
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CLERK'S OFFICE
DETROIT

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9. If you did appeal, answer the following:

- (a) Name of court August 1, 1996 - Michigan Courts of Appeals
- (b) Result Affirm
- (c) Date of result and citation, if known April 15, 1997 No. #187858
- (d) Grounds raised See attached Issues & opinion
Exhibit #93-97

(e) If you sought further review of the decision on appeal by a higher state court, please answer the following:

- (1) Name of court Michigan Supreme Court
- (2) Result Denied

- (3) Date of result and citation, if known April 21, 1998, NO. # 109607
- (4) Grounds raised See Issues & Opinion From Courts
OF Exhibit #93-96

(f) If you filed a petition for certiorari in the United States Supreme Court, please answer the following with respect to each direct appeal:

- (1) Name of court No
- (2) Result _____
- (3) Date of result and citation, if known _____
- (4) Grounds raised _____

10. Other than a direct appeal from the judgment of conviction and sentence, have you previously filed any petitions, applications, or motions with respect to this judgment in any court, state or federal?

Yes

11. If your answer to 10 was "yes," give the following information:

- (a) (1) Name of court Muskegon County Circuit Court.
- (2) Nature of proceeding 6.500 Motion Relief From Judgment & Amend
Motion to 6500 Motion Relief From Judgment. Exhibit 29-81
- (3) Grounds raised See attached Exhibits 29-81

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(4) Did you receive an evidentiary hearing on your petition, application or motion?

Yes No

(5) Result

Denied

(6) Date of result

October 27, 1999

(b) As to any second petition, application or motion give the same information:

(1) Name of court

(2) Nature of proceeding

(3) Grounds raised

(4) Did you receive an evidentiary hearing on your petition, application or motion?

Yes No

(5) Result

(6) Date of result

(c) Did you appeal to the highest state court having jurisdiction the result of action taken on any petition, application or motion?

(1) First petition, etc. Yes No (2) Second petition, etc. Yes No (d) If you did *not* appeal from the adverse action on any petition, application or motion, explain briefly why you did not:

Petitioner is raising here only the (2) issues of the amended motion for Relief from Judgment. See Exhibits 79-81, and See the issues I-II raised here. Issues III-IV were accrued in the Michigan Supreme Courts Denial on Rehearing. See Issues III-IV.)

12. State *concisely* every ground on which you claim that you are being held unlawfully. Summarize *briefly* the facts supporting each ground. If necessary, you may attach pages stating additional grounds and facts supporting same.

CAUTION: In order to proceed in the federal court, you must ordinarily first exhaust your available state court remedies as to each ground on which you request action by the federal court. If you fail to set forth all grounds in this petition, you may be barred from presenting additional grounds at a later date.

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For your information, the following is a list of the most frequently raised grounds for relief in habeas corpus proceedings. Each statement preceded by a letter constitutes a separate ground for possible relief. You may raise any grounds which you may have other than those listed if you have exhausted your state court remedies with respect to them. However, *you should raise in this petition all available grounds* (relating to this conviction) on which you base your allegations that you are being held in custody unlawfully.

Do not check any of these listed grounds. If you select one or more of these grounds for relief, you must allege facts. The petition will be returned to you if you merely check (a) through (j) or any one of these grounds.

- (a) Conviction obtained by plea of guilty which was unlawfully induced or not made voluntarily with understanding of the nature of the charge and the consequences of the plea.
- (b) Conviction obtained by use of coerced confession.
- (c) Conviction obtained by use of evidence gained pursuant to an unconstitutional search and seizure.
- (d) Conviction obtained by use of evidence obtained pursuant to an unlawful arrest.
- (e) Conviction obtained by a violation of the privilege against self-incrimination.
- (f) Conviction obtained by the unconstitutional failure of the prosecution to disclose to the defendant evidence favorable to the defendant.
- (g) Conviction obtained by a violation of the protection against double jeopardy.
- (h) Conviction obtained by action of a grand or petit jury which was unconstitutionally selected and impaneled.
- (I) Denial of effective assistance of counsel.
- (j) Denial of right of appeal.

A. Ground one: See attached pg. 1-5

Supporting FACTS (state briefly without citing cases or law) Exhausted issues

pg. 1-5 Same

B. Ground two: Exhausted issues pg. 5-9

See attached

Supporting FACTS (state briefly without citing cases or law):

Same pg. 5-9

C. Ground three: See attached pg. 9-12

Supporting FACTS (state briefly without citing cases or law): Exhausted issue
Same pg. # 9-12

D. Ground four: See attached pg. # 12-16

Supporting FACTS (state briefly without citing cases or law): Exhausted issue
Same pg. # 12-16

13. If any of the grounds listed in 12A, B, C, and D were not previously presented in any other court, state or federal, state briefly what grounds were not so presented, and give your reasons for not presenting them:

14. Do you have any petition or appeal now pending in any court, either state or federal, as to the judgment under attack?
Yes No

15. Give the name and address, if known, of each attorney who represented you in the following stages of the judgment attacked herein:

(a) At preliminary hearing Oris Culpepper (P.23520) 645 GrisWold
Det, Mich 48226

(b) At arraignment and plea Oris Culpepper (P.23520) 645 GrisWold
Det, Mich 48226

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(c) At trial Oris Culpepper (P.28520) 645 GrisWold
Det, Mich 48226

(d) At sentencing Joseph A. Fisher (P.32051) Peck St. 1065
PO. BOX 687, Muskegon, Mich 49443-0687

(e) On appeal Patrick K. Ehlmann (P.31644) 1411 N.
Harrison St. East Lansing, Michigan 48823-1801

(f) In any post-conviction proceeding _____

Pro-Se

(g) On appeal from any adverse ruling in a post-conviction proceeding _____

Pro - Se

16. Were you sentenced on more than one count of an indictment, or on more than one indictment, in the same court and at the same time?

Yes No

17. Do you have any future sentence to serve after you complete the sentence imposed by the judgment under attack?

Yes No

(a) If so, give name and location of court which imposed sentence to be served in the future: _____

(b) Give date and length of the above sentence: _____

(c) Have you filed, or do you contemplate filing, any petition attacking the judgment which imposed the sentence to be served in the future?

Yes No

Wherefore, petitioner prays that the Court grant petitioner relief to which he may be entitled in this proceeding.

Signature of Attorney (if any)

I declare under penalty of perjury that the foregoing is true and correct. Executed on

12/18/01
(date)

Darryl A. Willis
Signature of Petitioner

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN

SEE CASE FILE FOR
ADDITIONAL
DOCUMENTS OR PAGES
THAT WERE NOT
SCANNED